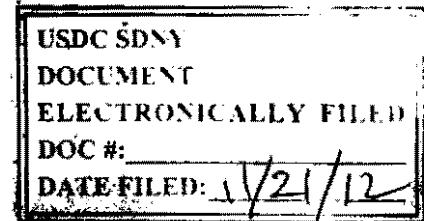


Case 1:12-cv-06156-AKH Document 48 Filed 10/18/12 Page 1 of 3

FITAPELLI & SCHAFFER, LLP
475 Park Avenue South, 12th Floor
New York, New York 10016
Telephone: (212) 300-0375



**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

**GRACIELA ROMAN, on behalf of herself and all
others similarly situated,**

Plaintiff,

12 CIV. 6156 (AKH)

-against-

THE DINEX GROUP, LLC and DANIEL BOULUD,

NOTICE OF MOTION

Defendants.

PLEASE TAKE NOTICE that Plaintiff Graciela Roman will move this Court, before the Honorable Alvin K. Hellerstein, United States District Judge at the United States Courthouse, 500 Pearl Street, New York, New York 10007, at a time and date to be determined by the Court, for an Order granting conditional class certification, court-authorized notice, and expedited discovery, pursuant to the Fair Labor Standards Act, 29 U.S.C. § 216(b), as well as such other and further relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that in support of this motion, Plaintiff shall rely upon her Notice of Motion, Memorandum of Law in Support, and the Declaration of Brian S. Schaffer in Support, together with the exhibits attached thereto.

*Motion denied w/out prejudice,
in light of parties' agreement in
principal as to conditional certification.
11-20-12
Shk Heller*

Case 1:12-cv-06156-AKH Document 48 Filed 10/18/12 Page 2 of 3

Dated: New York, New York
October 18, 2012

Respectfully submitted,

FITAPELLI & SCHAFFER, LLP

By:

/s/ Brian S. Schaffer

Brian S. Schaffer

FITAPELLI & SCHAFFER, LLP

Joseph A. Fitapelli

Brian S. Schaffer

Eric J. Gitig

475 Park Avenue South, 12th Floor

New York, New York 10016

Telephone: (212) 300-0375

*Attorneys for Plaintiff and
the Putative Class*

FITAPELLI & SCHAFFER, LLP
475 Park Avenue South, 12th Floor
New York, New York 10016
Telephone: (212) 300-0375

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

**GRACIELA ROMAN, on behalf of herself and all
others similarly situated,**

Plaintiff,

12 CIV. 6156 (AKH)

-against-

THE DINEX GROUP, LLC and DANIEL BOULUD,

Defendants.

**PLAINTIFF'S MOTION FOR PRELIMINARY CERTIFICATION PURSUANT TO THE
FAIR LABOR STANDARDS ACT, FOR COURT-AUTHORIZED NOTICE TO
SIMILARLY SITUATED PERSONS, AND FOR EXPEDITED DISCOVERY**

TABLE OF CONTENTS

- NOTICE OF MOTION
- MEMORANDUM OF LAW IN SUPPORT.
- DECLARATION OF BRIAN S. SCHAFFER IN SUPPORT.
 - Exhibit 1: Screenshots taken from Daniel Boulud's website: <http://www.danielnyc.com>.
 - Exhibit 2: Press articles referring or relating to Defendants.
 - Exhibit 3: The DINEX Group Employee Handbook (rev 1007).
 - Exhibit 4: Paystubs received by from the Dinex Group, LLC.
 - Exhibit 5: Declaration of Graciela Roman.
 - Exhibit 6: Declaration of Wilson Espinoza.
 - Exhibit 7: Declaration of Daniel Jones.
 - Exhibit 8: Declaration of Julian Duran.
 - Exhibit 9: Employee documents received from Defendants.
 - Exhibit 10: Plaintiff's proposed Judicial Notice and proposed Reminder Letter.